THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.18999 of 2005

Date:30.09.2005

K.Seiva Raju

--------PETITIONER

The Chairman and Managing Director and others

---------RESPONDENTS

ORDER:

The petitioner was appointed as an Assistant Lineman in the Central Power Distribution Company Limited, 1st respondent. Disciplinary proceedings were initiated against him, on the ground that he was unauthorisedly absent from duty, from 03.06.1998 to 13.10.2001. On the ground that the petitioner was not available at the address furnished by him, a newspaper publication was made and ultimately, he was terminated from service.

The petitioner states that he has become seriously ill, when he went to his native place, and that he has undergone treatment between 03.06.1998 and 13.10.2001. He pleads that he suffered from mental depression and that on becoming normal, he reported to duty. He assails the various proceedings initiated against him. His grievance is that though the respondents have condoned the absence for a longer period in respect of one Mr.S.Md.Rafi and reinstated him through orders, dated 13.02.2004, they denied the same treatment to him.

In the Counter filed on behalf of the respondents, it is stated that in spite of sending notices and publication of order of termination in the newspapers, the

petitioner did not turn up. They seek to differentiate the case of the petitioner from that of Mr.S.Md.Rafi. It is alleged that the said employee responded, soon after the publication was made, and a preliminary enquiry was conducted as to the genuinity of the cause for his absence, whereas the petitioner did not at all respond to the notices or publication. The reinstatement of Mr.S.Md.Rafi is said to be subject to further disciplinary proceedings.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The petitioner does not dispute that he was absent from duty for the period referred to above. Left with no alternative, the respondents removed him from service. He reported to duty thereafter, of course, by enclosing some medical certificates.

If the petitioner is aggrieved by the order of removal, he may have to approach the Labour Court or any other agency, to work out his remedies. The only fact that appeals to this Court in the present context is that the respondents have condoned the absence of an employee, similarly situated as the petitioner, for a period of four years and reinstated him into service subject to disciplinary proceedings. It is true that there was some delay on the part of the petitioner in responding to the notification published in the newspaper. However, if there is any truth in the contention of the petitioner as to his prolonged illness, his failure to respond immediately cannot be treated as a factor to deny him the treatment, that was accorded to Mr.S.Md.Rafi. Similar verification as was done in the case of the Mr.S.Md.Rafi can also be undertaken in the case of the petitioner.

For the foregoing reasons, the writ petition is disposed of, directing the respondents to examine the case of the petitioner in the same manner as was done in the case of Mr.S.Md.Rafi and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. There shall be no

order as to costs.

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30.09.2005

Note: Issue C.C. in three days.

(B/o)

Jsu